

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA	:	
	:	<u>STIPULATION AND ORDER</u>
-v.-	:	<u>OF SETTLEMENT</u>
	:	
GARY ALAN TANAKA,	:	
	:	05 Cr. 621 (RJS)
Defendant,	:	
	:	
-and-	:	
	:	
SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff	:	
	:	
-v.-	:	05 Cv. 5231 (RJS)
	:	
AMERINDO INVESTMENT ADVISORS, INC.,	:	
<i>et al.</i>	:	
	:	
Defendants.	:	
-----X	:	

WHEREAS, this Stipulation and Order of Settlement is entered into by and among defendant Gary Alan Tanaka (“Tanaka”); Amerindo Investment Advisors Inc. (“Amerindo US”), Amerindo Investment Advisors, Inc. (“Amerindo Panama”), Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A (together, the “Entity Defendants”); James Stableford (“Stableford”); the trustees (the “Trustees”) of the Amerindo Advisors (UK) Limited Retirement Benefits Scheme (the “Benefits Scheme”); the United States Securities and Exchange Commission (the “SEC”); and the United States of America (“United States”); (all, collectively, the “Parties”);

WHEREAS, on or about May 25, 2005 the United States commenced the above-captioned criminal action by filing a criminal complaint against Tanaka and defendant Alberto William Vilar (“Vilar”) (together, the “Individual Defendants”);

WHEREAS, on or about June 1, 2005, the SEC commenced the above-captioned civil enforcement action by filing a complaint against the Individual Defendants and Amerindo U.S.;

WHEREAS, on or about August 15, 2006, the Individual Defendants were charged in a twelve-count Superseding Indictment, S3 05Cr 621 (KMK) (the “Indictment”);

WHEREAS, on or about November 19, 2008, a jury returned a guilty verdict against defendant Vilar on all twelve counts of the Indictment, and against defendant Tanaka on Counts One, Three and Four of the Indictment (Cr. Dkt. No. 320);

WHEREAS, on or about May 25, 2012, the SEC filed a second amended complaint naming the Individual Defendants and the Entity defendants (Civ. Dkt. 229);

WHEREAS, on or about April 25, 2014, the Court entered a Preliminary Order of Forfeiture/Money Judgment against the Individual Defendants, which made final as to each defendant a joint and several money judgment in the amount of \$20,578,855.28 payable to the United States (collectively, the “Criminal Money Judgments”) (Cr. Dkt. Nos. 684, 687);

WHEREAS, to date, the government maintains that the total amount of the Criminal Money Judgments remains unpaid;

WHEREAS, the Court also ordered Tanaka to pay restitution in the total amount of \$26,637,502.69 on a joint and several basis (the “Restitution Order”) (Cr. Dkt. No. 683);

WHEREAS, as of August 6, 2021, the balance outstanding on the Restitution Order was \$1,921,532.17, which is comprised of \$945,297.29 in principal plus \$976,052.31 in accrued interest;

WHEREAS, on or about May 16, 2014, the Court entered final judgments against the Individual Defendants and the Entity Defendants (the “Civil Money Judgments”) (Civ. Dkt. Nos. 432, 433, 434);

WHEREAS, on or about May 16, 2014, the Court entered a final judgment against Tanaka, imposing \$13,118,693.96 in disgorgement and prejudgment interest (jointly and severally with Vilar and the Entity Defendants), and a \$10,000,000 civil penalty payable to the SEC (Civ. Dkt. No. 434);

WHEREAS, on or about May 16, 2014, the Court entered a final judgment against the Entity Defendants, imposing \$36,570,451.87 in disgorgement and prejudgment interest (jointly and severally, as well as jointly and severally with Vilar and Tanaka limited to the amount of disgorgement and prejudgment interest imposed against Vilar and Tanaka), as well as a \$17,969,803 civil penalty against each one of the Entity Defendants, payable to the SEC (Civ. Dkt. No. 435);

WHEREAS, to date, the disgorgement and prejudgment interest awarded to the SEC against the Individual Defendants and the Entity Defendants has been satisfied by assets collected by the Receiver; however, the total amount of the Civil Money Judgments for penalties entered against the Individual Defendants and each of the Entity Defendants remains unpaid;

WHEREAS, the Individual Defendants and Entity Defendants have cross-appealed orders entered in the civil enforcement action dated December 31, 2014, May 20, 2016, and July 14, 2017 approving the receiver’s motions for second, third, and fourth interim

distributions and denying their Rule 60(b) motion to vacate judgments against them (Second Circuit Appeal 17-2534 (L), 17-2541 (con) (cross appeal);

WHEREAS, on or about October 3, 2018, the Receiver filed a letter stating that he did not object to the United States' motion for the entry of a Preliminary Order of Forfeiture as to Substitute Assets (Civ. Dkt. No. 709; motion at Cr. Dkt. No. 769);

WHEREAS, on or about August 2, 2019, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets (the "First Substitute Assets Order") forfeiting all of the Individual Defendants' right, title and interest in the assets listed therein (the "Substitute Assets") (Cr. Dkt. No. 802);

WHEREAS, on or about December 9, 2019, the Court entered a Second Preliminary Order of Forfeiture as to Substitute Assets (the "Second Substitute Assets Order") forfeiting all of the Individual Defendants' right, title and interest in the assets held in J.P. Morgan Chase brokerage account number 102-05012 MOD, held in the name of the Trustees of the Amerindo Advisors (UK) Ltd. Ret. Benefits Scheme (the "Benefits Scheme Assets") (Cr. Dkt. No. 848);

WHEREAS, the Substitute Assets and the Benefits Scheme Assets are currently subject to ancillary forfeiture proceedings before this Court;

WHEREAS, the Individual Defendants have filed notices of appeal of the First Substitute Assets Order and the Second Substitute Assets Order;

WHEREAS, the Trustees have filed a Third-Party Petition in the ancillary forfeiture proceeding claiming sole ownership of the Benefits Scheme Assets (the "Trustees' Petition") (Cr. Dkt. No. 882);

WHEREAS Stableford has also filed a Third-Party Petition in the ancillary forfeiture proceeding (Cr. Dkt. No. 886);

WHEREAS, on or about January 8, 2021, the Court issued a Post-Judgment Continuing Writ of Garnishment (Cv. Dkt. No. 763) against the Entity Defendants seeking payment of the penalties due in the SEC, plus post-judgment interest pursuant to an application from the SEC;

WHEREAS, on or about March 2, 2021, the SEC submitted to the Court a proposed Garnishment Disposition Order for assets valued at approximately \$12,806,760.32 held in the name of Amerindo Technology Growth Fund II (the “Garnishment Assets”) (Cv. Dkt. No. 774);

WHEREAS, on or about March 5, 2021, the Individual Defendants filed a letter with the Court objecting to the SEC’s proceeding against the Garnishment Assets (the “Garnishment Objection”) (Cr. Dkt. No. 935, Cv. Dkt. No. 782);

WHEREAS, on or about March 2, 2021, counsel for the Entity Defendants filed a letter with the Court objecting to the SEC’s proceeding against the Garnishment Assets (Cv. Dkt. No. 776);

WHEREAS, on or about September 4, 2021, Vilar died;

WHEREAS, on or about October 28, 2021, the United States Court of Appeals for the Second Circuit so-ordered a stipulation withdrawing with prejudice Vilar’s appeals of the First Substitute Assets Order and the Second Substitute Assets Order (19-2492(L) and 19-4200(Con));

WHEREAS, the Parties have agreed to a global resolution of the outstanding Restitution Order, Criminal Money Judgments, Civil Money Judgments and their respective

claims to the Substitute Assets, Garnishment Assets and Benefits Scheme Assets, on the terms set forth in detail below, in which (1) Tanaka and the Entity Defendants shall consent to the forfeiture of the Substitute Assets and the garnishment of Garnishment Assets; (2) Tanaka shall pay an additional \$13,262,000 in satisfaction of the Restitution Order, the Criminal Money Judgments and the Civil Money Judgments, from benefits received from a new HMRC-approved individual pension scheme that will be created for him following the dissolution of the Benefits Scheme;

WHEREAS, the Benefits Scheme has represented that, in order for Tanaka to pay the agreed amount of \$13,262,000, the Benefits Scheme Assets must be released from any restraint in these actions and repatriated to the United Kingdom for dissolution of the Benefits Scheme pursuant to United Kingdom law;

WHEREAS, the United States has agreed to seek vacatur of the Second Substitute Assets Order, and the United States and the SEC have agreed to seek to terminate any restraint imposed on the Benefits Scheme Assets in these actions, in order to effectuate this global settlement; and

WHEREAS, the Parties recognize that the Substitute Assets will be distributed as determined by the Court following the adjudication of all third-party petitions filed in the ancillary proceeding;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Alexander J. Wilson, of counsel, Gary Alan Tanaka and his attorney Daniel M. Perez, Esq., Amerindo Investment Advisors Inc. (“Amerindo US”), Amerindo Investment Advisors, Inc. (“Amerindo Panama”), Amerindo Management Inc.,

Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A. by their attorney Vivian Shevitz, Esq. and principal Gary Alan Tanaka, James Stableford and his attorney James M. Webster, III, Esq., the Trustees of the Amerindo Advisors (UK) Limited Retirement Benefits Scheme, by their attorney Ilene Jaroslaw, Esq., and the United States Securities and Exchange Commission, by its attorney Senior Counsel Elizabeth Goody that:

1. Tanaka and the Entity Defendants hereby consent to the forfeiture of the Substitute Assets and the garnishment of Garnishment Assets, and Tanaka and the Entity Defendants hereby consent to dismissal of the appeals of the First Substitute Assets Order and Second Substitute Assets Order. (19-2602(con), 20-421(con)). Tanaka shall further cause a stipulation of dismissal of the appeals of the First Substitute Assets Order and Second Substitute Assets Order, attached hereto as Exhibit A, to be filed within five days from entry of this Stipulation and Order of Settlement.

2. Upon the dismissal of Vilar and Tanaka's appeals of the Second Substitute Assets Order, the Second Substitute Assets Order shall be vacated, and any restraint on the Benefits Scheme Assets imposed in these actions shall be terminated, without further Order of this Court.

3. Within 10 days of the entry of the dismissal of Tanaka's appeal of the Second Substitute Assets Order and the termination of the restraints on the Benefits Scheme Assets as provided in Paragraph 2 above, the Trustees shall take all necessary steps to cause the Benefits Scheme Assets to be repatriated to the United Kingdom. Counsel for the Trustees shall immediately advise the other Parties when the repatriation of the Benefits Scheme Assets has occurred.

4. Tanaka and the Entity Defendants agree to voluntarily dismiss their cross appeal

of the second, third and fourth interim distribution orders, and denial of their Rule 60(b) motion (17-2534(L), 17-2541 (con)), without fees or costs, and the SEC agrees to voluntarily dismiss any cross claims or counterclaims in 17-2541, without fees or costs, within five days of the repatriation of the Benefits Scheme Assets. Tanaka and the Entity Defendants shall cause a stipulation of dismissal of the appeals in the civil enforcement action, Exhibit B hereto, to be filed within five days of receipt of notice from counsel for the Trustees that the repatriation has occurred.

5. Within 90 days of the repatriation of the Benefits Scheme Assets to the United Kingdom, the Trustees shall cause the Benefits Scheme to commence the process of dissolution pursuant to United Kingdom law and shall distribute the Benefits Scheme Assets to new HMRC-approved individual pension schemes held by Tanaka, James Stableford, and Renata Le Port-Tanaka according to the terms of the Benefits Scheme and United Kingdom law.

6. Within 90 days of the distribution of the Benefits Scheme Assets as described in Paragraph 4 above, Tanaka shall pay \$13,262,000 from his HMRC-approved individual pension scheme, said scheme funded by the distribution of Benefits Scheme Assets as described above in Paragraph 5.

- (a) Tanaka shall pay \$6,631,000 to the SEC by wire transfer based on instructions to be provided by counsel for the SEC (the “Civil Money Judgment Payment”);
- (b) Tanaka shall, on a mutually agreed date, pay the outstanding balance on the Restitution Order as of the date of payment to the Clerk of the Court, by wire transfer based on instructions to be provided by counsel for the United States (the “Restitution Payment”);

(c) Tanaka shall pay \$6,631,000, less the Restitution Payment, to the United States, by wire transfer based on instructions to be provided by counsel for the United States (the “Criminal Money Judgment Payment”).

7. The SEC agrees to accept the Civil Money Judgment Payment in full satisfaction of the monetary portions of the Final Judgment entered in its action against Tanaka (Civ. Dkt. No. 434). The monetary portions of the final judgment entered against the Entity Defendants in the civil action remain in effect (Civ. Dkt. 435).

8. The United States agrees to accept the Criminal Money Judgment Payment and the forfeiture of Tanaka’s interest in the Substitute Assets in full satisfaction of the Criminal Money Judgments.

9. Tanaka shall pay in full all taxes due and owing to any jurisdiction, including but not limited to the United Kingdom, the United States or the State of New York, for his respective distribution from his new HMRC-approved individual pension scheme. Tanaka further agrees that he will not in any manner seek any deduction, credit, or other reduction in the amount of taxes due because of his payments to the SEC, the United States and the Clerk of the Court as set forth in Paragraph 6.

10. The SEC and the United States hereby release any cross claims, counterclaims or other claims against Tanaka, the Entity Defendants, and the Trustees, that could be made in the related civil action 12 Civ. 5240 (RJS).

11. The Trustees, Tanaka, the Entity Defendants, and Stableford are hereby barred from asserting, or assisting others in asserting, any claim against the United States of America (“USA”), the Department of Justice (“DOJ”), the United States Attorney’s Office – SDNY (“USAO”), the United States Marshals Service (“USMS”), the United States Postal Inspection

Service (“USPIS”), and the Securities and Exchange Commission (“SEC”), or any and all employees, officers, and agents of the USA, the DOJ, the USAO, the USMS, the USPIS and the SEC, in connection with or arising out of the seizure, restraint, and/or constructive possession of the Benefit Scheme Assets, including, but not limited to, any claim that there was no probable cause to seize, restrain and/or forfeit the Benefit Scheme Assets, that the Trustees, Tanaka, the Entity Defendants and/or Stableford are a prevailing party, or that the Trustees, Tanaka, the Entity Defendants and/or Stableford are entitled to attorneys’ fees or any award of interest. Each Party to this Stipulation and Offer of Settlement shall bear its own costs, expenses, and attorneys’ fees. The timing of any bar on claims as to the civil appeal referenced in Paragraph 4 is governed by the provisions in Paragraph 4.

12. This Stipulation and Order of Settlement constitutes the entire agreement between the Parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or agents of any party, that is not contained in this written Stipulation and Order of Settlement shall be enforceable.

13. The Parties hereby agree to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order of Settlement.

14. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Stipulation and Order of Settlement.


15. The undersigned United States and SEC signatories represent that they are signing this Stipulation and Order of Settlement in their official capacities and that they are authorized to execute this document. The signature pages of this Stipulation and Order of Settlement may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. The signature pages may be transmitted by

fax or by electronic file in PDF format, and such signatures shall be deemed equivalent to valid originals.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

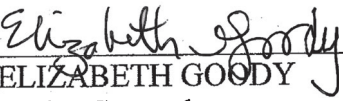
By:


ALEXANDER J. WILSON
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel.: (212) 637-2453

11/17/2021
DATE

SECURITIES AND EXCHANGE COMMISSION

By:


ELIZABETH GOODY
Senior Counsel
Securities and Exchange Commission
200 Vesey Street, Suite 400
New York, New York 10281-1022
Tel.: (212) 336-0569

12/9/21
DATE


GARY ALAN TANAKA

By:

GARY ALAN TANAKA
Defendant

DATE

By:


DANIEL M. PEREZ, ESQ.
Attorney for Defendant Tanaka
Law Offices of Daniel M. Perez, Esq.
93 Spring Street, Suite 505
Newton, NJ 07860

11/17/2021
DATE

fax or by electronic file in PDF format, and such signatures shall be deemed equivalent to valid originals.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:

ALEXANDER J. WILSON
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel.: (212) 637-2453

DATE

SECURITIES AND EXCHANGE COMMISSION

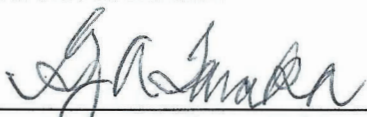
By:

ELIZABETH GOODY
Senior Counsel
Securities and Exchange Commission
200 Vesey Street, Suite 400
New York, New York 10281-1022
Tel.: (212) 336-0569

DATE

GARY ALAN TANAKA

By:


GARY ALAN TANAKA
Defendant


DATE

By:

DANIEL M. PEREZ, ESQ.
Attorney for Defendant Tanaka
Law Offices of Daniel M. Perez, Esq.
93 Spring Street, Suite 505
Newton, NJ 07860

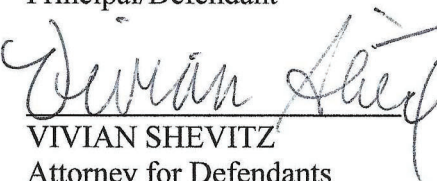
DATE

AMERINDO INVESTMENT ADVISORS INC. ("AMERINDO US").
AMERINDO INVESTMENT ADVISORS, INC. ("AMERINDO PANAMA"),
AMERINDO MANAGEMENT INC.,
AMERINDO TECHNOLOGY GROWTH FUND, INC.,
AMERINDO TECHNOLOGY GROWTH FUND II, INC., AND
TECHNO RAQUIA, S.A

By: 

GARY ALAN TANAKA
Principal/Defendant

DATE

By: 

VIVIAN SHEVITZ
Attorney for Defendants
Vivian Shevitz, Attorney at Law
46 Truesdale Lake Drive
South Salem, NY 10590
Tel.: (914) 763-2122

DATE

TRUSTEES OF THE AMERINDO ADVISORY (UK) LIMITED RETIREMENT BENEFITS
SCHEME

By: _____
ILENE JAROSLAW
Attorney for the Trustees
Phillips Nizer LLP
485 Lexington Avenue, 14th Floor
New York, New York 10017
Tel.: (212) 841-1343

DATE

By: 

GARY ALAN TANAKA
Trustee

DATE

By: _____
JAMES STABLEFORD
Trustee

DATE

AMERINDO INVESTMENT ADVISORS INC. ("AMERINDO US").
AMERINDO INVESTMENT ADVISORS, INC. ("AMERINDO PANAMA"),
AMERINDO MANAGEMENT INC.,
AMERINDO TECHNOLOGY GROWTH FUND, INC.,
AMERINDO TECHNOLOGY GROWTH FUND II, INC., AND
TECHNO RAQUIA, S.A

By:

GARY ALAN TANAKA
Principal/Defendant

DATE

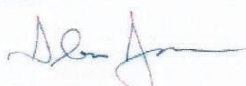
By:

VIVIAN SHEVITZ
Attorney for Defendants
Vivian Shevitz, Attorney at Law
46 Truesdale Lake Drive
South Salem, NY 10590
Tel.: (914) 763-2122

DATE

TRUSTEES OF THE AMERINDO ADVISORY (UK) LIMITED RETIREMENT BENEFITS
SCHEME

By:


ILENE JAROSLAW
Attorney for the Trustees
Phillips Nizer LLP
485 Lexington Avenue, 14th Floor
New York, New York 10017
Tel.: (212) 841-1343

November 19, 2021


DATE

By:

GARY ALAN TANAKA
Trustee

DATE

By:


JAMES STABLEFORD
Trustee

21st Nov 2021
DATE

JAMES STABLEFORD

By: 

JAMES STABLEFORD
Third Party Petitioner

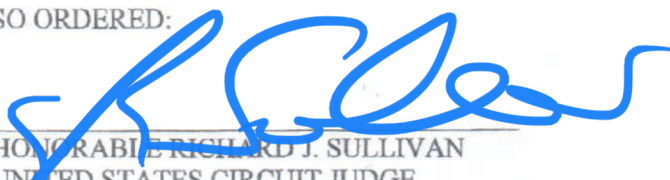
18th Nov 2021
DATE

By: 

JAMES M. WEBSTER, III, ESQ.
Attorney for James Stableford
Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036

11/19/21
DATE

SO ORDERED:


HONORABLE RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

4/18/22
DATE

EXHIBIT A

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

GARY ALAN TANAKA,

Defendant-Appellant,

- v. -

UNITED STATES OF AMERICA,

Appellee.

STIPULATION

Dkt. No. 19-2602(con)

Dkt. No. 20-421(con)


IT IS HEREBY STIPULATED AND AGREED by and between GARY ALAN TANAKA, the defendant, by and through his attorney, Daniel M. Perez, Esq., and the United States of America, by DAMIAN WILLIAMS, United States Attorney for the Southern District of New York, and Alexander J. Wilson, Assistant United States Attorney, of counsel; that GARY ALAN TANAKA's Notices of Appeal in the above-captioned matters, filed on August 19, 2019 and January 31, 2020, respectively, are hereby withdrawn with prejudice without costs and without attorney's fees pursuant to FRAP 42(b).

Dated: New York, New York
November 17, 2021

DAMIAN WILLIAMS
United States Attorney

By: 

Alexander J. Wilson
Assistant United States Attorney
(212) 637-2453


DANIEL M. PEREZ, ESQ.
Attorney for Defendant Tanaka
Law Offices of Daniel M. Perez, Esq.
93 Spring Street, Suite 505
Newton, NJ 07860

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ALBERTO VILAR,

Defendant-Appellant,

- v. -

UNITED STATES OF AMERICA,

Appellee.

STATEMENT PURSUANT TO
LOCAL RULE 42.2

Dkt. No. 19-2492(L)

Dkt. No. 19-4200(Con)

Pursuant to Local Rule 42.2 and in support of the Stipulation filed by defendant GARY ALAN TANAKA and the United States to dismiss the defendant's Notices of Appeal in the above-captioned matters, the defendant, GARY ALAN TANAKA, hereby states that (a) counsel has explained the effect of voluntary dismissal of the appeals; (b) the defendant understands counsel's explanation, and (c) the defendant desires to withdraw and voluntarily dismiss the appeals.

Dated: New York, New York

~~November~~, 2021

10 DECEMBER



GARY ALAN TANAKA

EXHIBIT B

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff-Appellee,

v.

PAUL MARCUS, THE DEANE J. MARCUS
TRUST, THE STEVEN E. MARCUS TRUST,
THE CHERYL MARCUS-PODHAIZER
TRUST, THE EVE S. MARCUS
CHILDREN'S TRUST, LISA MAYER,
DEBRA MAYER, ALFRED C. HEITKOENIG,
ELNA CHARLOTTE HEITKOENIG,
MAAKIE HEITKOENIG,

Claimant-Appellants,

AMERINDO INVESTMENT ADVISORS
INC., ALBERTO WILLIAM VILAR, GARY
ALAN TANAKA, AMERINDO
INVESTMENT ADVISORS, INC.,
AMERINDO ADVISORS UK LIMITED,
AMERINDO MANAGEMENT INC.,
AMERINDO TECHNOLOGY GROWTH
FUND, INC., AMERINDO TECHNOLOGY
GROWTH FUND II, INC., TECHNO
RAQUIA, S.A.,

Defendants-Appellants.

STIPULATION

Consolidated Docket Nos.
17-2534 (L), 17-2537
17-2541, 17-2681

FRAP 42(b) STIPULATION OF DISMISSAL

The undersigned counsel for the parties stipulate that the above-captioned Case No. 17-2541 is withdrawn with prejudice without costs and without attorneys' fees pursuant to FRAP 42(b).

AMERINDO INVESTMENT ADVISORS INC.,
ALBERTO WILLIAM VILAR,
GARY ALAN TANAKA,
AMERINDO INVESTMENT ADVISORS, INC.,
AMERINDO ADVISORS UK LIMITED,
AMERINDO MANAGEMENT INC.,
AMERINDO TECHNOLOGY GROWTH FUND, INC.,
AMERINDO TECHNOLOGY GROWTH FUND II, INC., and
TECHNO RAQUIA, S.A.

By: VIVIAN SHEVITZ
Vivian Shevitz, Attorney at Law
46 Truesdale Lake Drive
South Salem, NY 10590
Tel.: (914) 763-2122

DATE

SECURITIES AND EXCHANGE COMMISSION

By: Emily True Parise
Emily True Parise
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549-9040
(202) 551-5169
parisee@sec.gov

12/13/2021
DATE

The undersigned counsel for the parties stipulate that the above-captioned Case No. 17-2541 is withdrawn with prejudice without costs and without attorneys' fees pursuant to FRAP 42(b).

AMERINDO INVESTMENT ADVISORS INC.,
ALBERTO WILLIAM VILAR,
GARY ALAN TANAKA,
AMERINDO INVESTMENT ADVISORS, INC.,
AMERINDO ADVISORS UK LIMITED,
AMERINDO MANAGEMENT INC.,
AMERINDO TECHNOLOGY GROWTH FUND, INC.,
AMERINDO TECHNOLOGY GROWTH FUND II, INC., and
TECHNO RAQUIA, S.A.

By: 

VIVIAN SHEVITZ
Vivian Shevitz, Attorney at Law
46 Truesdale Lake Drive
South Salem, NY 10590
Tel.: (914) 763-2122

DATE

SECURITIES AND EXCHANGE COMMISSION

By: _____

Emily True Parise
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100 F Street, N.E.
Washington, DC 20549-9040
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parisee@sec.gov

DATE